

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Taniko Smith,

Case No.: 2:20-cv-02344

Petitioner,

Order Dismissing Action

V.

[ECF No. 1]

Nevada Department of Corrections, et al.,

Respondents.

Petitioner, a Nevada prisoner, has submitted a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. ¹Petitioner has not filed an application to proceed in forma pauperis or paid the filing fee. Accordingly, this matter has not been properly commenced.²

Thus, the present action will be dismissed without prejudice to the filing of a habeas petition pursuant to 28 U.S.C. § 2254 on the form required by this court in a new action with either the \$5.00 filing fee or a completed application to proceed in forma pauperis on the proper form with both an inmate account statement for the past six months and a properly executed financial certificate.

IT THEREFORE IS ORDERED that this action is **DISMISSED** without prejudice to the filing of a petition in a new action with either the \$5.00 filing fee or a properly completed application form to proceed in forma pauperis.

IT FURTHER IS ORDERED that a certificate of appealability is **DENIED**, as jurists of reason would not find the court's dismissal of this improperly commenced action without prejudice to be debatable or incorrect.

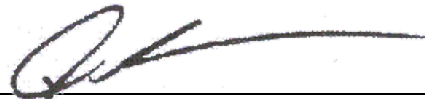
¹ ECF No. 1.

² 28 U.S.C. § 1915(a)(2); Local Rules LSR 1-1, 1-2.

1 IT FURTHER IS ORDERED that the clerk send petitioner two copies each of an
2 application form to proceed in forma pauperis for incarcerated persons and a noncapital Section
3 2254 habeas petition form, one copy of the instructions for each form, and a copy of the papers
4 that he submitted in this action.

5 IT FURTHER IS ORDERED that the clerk enter judgment accordingly and close this
6 action.

7 DATED: February 2, 2021

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10 ANDREW P. GORDON
11 UNITED STATES DISTRICT JUDGE
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